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CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY,

Defendant.

Case No. 2:21-cv-00073-MCE-JDP

SUPPLEMENTAL BRIEFING RE CASE
MANAGEMENT SCHEDULE

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1 Pursuant to the Court's direction at the case management conference, held August 24, 2023
2 at 10:00 via Zoom, Plaintiff submits the following supplemental briefing setting forth its revised
3 proposed schedule. The parties met and conferred on this issue on August 24th and 25th, but were
4 unable to reach an agreement on any of the dates other than with respect to initial disclosures and
5 the deadline for pleading amendments.

6 As the Court is aware, this case involves a cable that is currently situated at the bottom of
7 Lake Tahoe at depths exceeding 100 feet, and running approximately 8 miles long. As part of its
8 fact discovery, Plaintiff will need to send divers along the length of this cable, and at various
9 points, collect photographs and samples. The timing proposed by the Parties in their respective
10 case management conference statements, upon further reflection, is challenging given that the time
11 for fact discovery is primarily dominated by the winter months, when it may be impossible or
12 unsafe to access the cable.

13 Furthermore, Plaintiff still needs to identify, vet, and retain experts; coordinate an
14 inspection and sampling schedule; and then execute that schedule. Plaintiff is a non-profit
15 organization with limited resources, and lacks the funding that grants the flexibility that Defendant
16 enjoys. As with many environmental cases, this case will require laboratory testing, analysis, and
17 review – which will then inform next steps in the discovery process. Each of those steps takes
18 time, and many are beyond Plaintiff's ability to control. To be clear, Plaintiff has a keen interest in
19 resolving this case as quickly as possible. However, the practical realities of collecting evidence
20 from a submerged cable and the waters surrounding it should be taken into account when setting
21 deadlines in this case. While Plaintiff will endeavor to adhere to the schedule suggested below, it
22 may be necessary for the reasons stated above to seek a continuance into the summer diving
23 season.

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Plaintiff proposes the dates below, which represent a modest extension to the schedule previously submitted to the Court:

- I. Rule 26(a)(1) Initial Disclosures: **September 14, 2023;**
- II. Deadline for pleading amendments: **October 9, 2023;**
- III. Exchange of expert report topics: **April 10, 2024;**
- IV. Exchange of expert disclosures and reports: **May 1, 2024;**
- V. Supplemental expert reports: **June 1, 2024;**
- VI. Rebuttal expert disclosures and reports: **July 1, 2024;**
- VII. Close of fact and expert discovery: **August 15, 2024;**
- VIII. Last day to file dispositive and *Daubert* motions: **September 15, 2024;**
- IX. Last day to hear dispositive and *Daubert* motions: **October 30, 2024.**

The Court expressed an interest in setting a trial date that is not likely to be moved, and to that end, Plaintiff suggests setting a case management conference for that purpose after close of fact and expert discovery, in August 2024.

Respectfully Submitted,

LAW OFFICES OF ANDREW L. PACKARD

By: /s/ William Carlon

William Carlon
Attorney for Plaintiff
CALIFORNIA SPORT FISHING
PROTECTION ALLIANCE